REMARKS

Claims 16, 18 and 19 have been amended. Claim 17 has been cancelled herein without prejudice.

The Examiner has objected to claim 19 because it recites the limitation "the first mode" which was not previously mentioned. Applicant has amended claim 19 to remove the limitation "the first mode," thereby obviating the Examiner's objection.

The Examiner has rejected claims 16-19 under 35 U.S.C. 103(a) as being unpatentable over Ohmura (US Patent 6,963,363) in view of Anderson (US Publ. 2003/0117513). The Applicant has amended independent claim 16 and with respect to this claim, and its dependent claims, the Examiner's rejection is respectfully traversed.

Applicant has amended claim 16 to recite an imaging apparatus comprising: an image capture unit, a generating unit that generates authentication data used to authenticate whether image data acquired by the image capture unit is altered, an instruction unit that issues an image capture instruction, a mode setting unit that sets an authentication data addition mode, a recording unit that records the image data acquired by the image capture unit and the authentication data generated by the generating unit in a removable recording medium, wherein the recording unit records the image data acquired by the image capture unit together with the authentication data in the removable recording medium in accordance with the image capture instruction issued by the instruction unit, if the authentication data addition mode is set by the mode setting unit, and records the image data acquired by the image capture unit without the authentication data in the removable recording medium in accordance with the image capture instruction issued by the instruction unit, if the authentication data addition mode is not set, a display unit, and a control unit that determines whether the authentication data addition mode is

set by the mode setting unit in response to the image capture instruction issued by the instruction unit and controls the display unit so as to display an image relating to the image data which the image capture unit acquired in accordance with the image capture instruction and an additional information indicating that the authentication data is recorded with the image data in response to the image capture instruction, if it is determined that the authentication data addition mode is set by the mode setting unit, and the control unit controlling the display unit so as to display an image relating to the image data which the image capture unit acquired in accordance with the image capture instruction but not to display the additional information in response to the image capture instruction, if it is determined that the authentication data addition mode is not set, wherein, if it is determined that the authentication data addition mode is set by the mode setting unit, until the image data captured by the image capture unit is recorded by the recording unit from the image capture instruction had been issued by the instruction unit, the control unit controls the display unit so as to display the image relating to the image data captured by the image capture unit and the additional information. Support for these amendments can be found at least steps 1205-1207 of Fig. 10 and page 25, line 27 to page 26, line 8 of the specification.

In the Action, the Examiner has argued that Ohmura discloses determining whether the authentication data addition mode is set by the mode setting unit in response to the image capture instruction issued by the instruction unit in column 7, lines 1-7 and column 8, lines 1-24 as a watermarking mode that can be selectively set by the user and after the shutter button is pressed shooting is controlled according to the set condition (Fig. 9, S1101) and that the watermarking mode is "determined" (Fig. 9, S1102) and image data is recorded appropriately. The Examiner has acknowledged that Ohmura does not disclose the control unit controlling the

display unit in accordance with the determination result so as to display an image relating to the image data which the image capture unit acquired in accordance with the image capture instruction and an additional information indicating that the authentication data is recorded with the image data in response to the image capture instruction, if the authentication data addition mode is set by the mode setting unit, and the control unit controlling the display unit so as to display an image relating to the image data which the image capture unit acquired in accordance with the image capture instruction but not to display the additional information in response to the image capture instruction, if the authentication data addition mode is not set. However, the Examiner has taken Official Notice that at the time the invention was made, it would have been obvious to one with ordinary skill in the art to have displayed a presence of water mark indicator when displaying images as in Ohmura so that a user would be able to visually verify the image is protected against copyright infringement when viewing the image. The Examiner has also cited Venkatesan et al. (US Patent 7,095,873) ("Venkatesan") as disclosing displaying an indication to the presence or non-presence of a watermark in column 1, lines 6-10. Moreover, the Examiner has argued that Anderson teaches, in Fig. 1-4, a display system in a digital camera (paragraphs 25-26) that has a controller (207) to display an image immediately after capture (paragraph 31) along with overlays that comprise information about the image (paragraph 29; where the information comprises things such as overlays and date and time stamps).

Applicant has reviewed the cited references and believes that these references do not teach or suggest a control unit that determines whether the authentication data addition mode is set by the mode setting unit in response to the image capture instruction issued by the instruction unit and if it is determined that the authentication data addition mode is set by the

mode setting unit, controls the display unit to display, from the image capture instruction and until the image data captured by the image capture unit is recorded by the recording unit, an image relating to the acquired image data and an additional information indicating that the authentication data is recorded with the image data in response to the image capture instruction. This feature of applicant's claim 16 provides for the display of a reduced image and additional information representative of the captured image's authentication data in response to the determined shooting mode prior to the completion of the generation of the captured image's authentication data, the generation of an image file including generated authentication data and the writing of the generated image file to storage.

Ohmura discloses a digital camera including a CPU that controls an imaging circuit 203, an electronic watermarking circuit 204, a JPEG circuit 205, a storing circuit 206 that drives a memory 207, a transmitting circuit 210, a display driver 209 driving a display unit 101 and a switch circuit 208 including a shutter button (Fig. 2; col. 3, line 43-col. 4, line 13). Ohmura teaches a process executed by the CPU between the pressing of the shutter button and the storing of image data on a digital camera, in which the shooting of the digital camera is controlled according to set imaging conditions in step S1101 (col. 7, line 65-col. 8, line 4), then it is determined whether or not the camera has been set to store only the image data with an embedded electronic water mark data (col. 8, lines 4-6), and based on this determination, storing the image data and/or embedding a watermark in the stored image data. See, FIG. 9. In Ohmura, if the CPU determines that the digital camera has been set to store only the image data with the embedded electronic watermark data, then the image data is stored in the form of the raw data in a predetermined folder in memory, an electronic watermark is embedded into the image data and the image data with the embedded watermark is processed and stored into a

predetermined folder in memory (col. 5, lines 15-24). In Ohmura, if it is determined that the camera has not been set so as to store only image data with the embedded watermark data, then it is determined whether or not the digital camera has been set so as to store both the image data with or without the embedded electronic watermark data (col. 8, lines 34-43), and if the camera has been set to store both types of image data, then the image data is first processed and stored (col. 8, lines 44-47), and then an watermark data is embedded into the image data and the image data with the embedded watermark is stored in a predetermined folder (col. 8, lines 47-56).

Thus, Ohmura discloses a digital camera in which a watermarking mode is selectively set and after the shutter button is pressed, shooting is controlled according to a set of conditions and then the previously selectively set watermarking mode is determined so as to determine whether or not to embed a watermark in the image data to be stored and in which folders the image files are to be stored. However, Ohmura does not teach or suggest determining whether the authentication data addition mode is set by the mode setting unit in response to the image capture instruction issued by the instruction unit. Rather, Ohmura only discloses determining, after the shooting is performed in accordance with the shooting conditions, whether or not the camera has been previously set to store only the image data with embedded watermark data.

Moreover, Ohmura is completely silent as to controlling the display unit based on the result of this determination, and instead, the CPU in Ohmura only controls the embedding of the watermark in the image data and storage of the image data. Even if the camera in Ohmura determined whether or not the authentication data addition mode is set in response to the image capture instruction, as argued by the Examiner in the Action, Ohmura is completely silent as to any display of the image data and thus, does not in any way teach or suggest how this determination would be used in controlling the display of the image data and the type of data

that would be or would not be displayed by the display unit. Accordingly, Ohmura does not teach or suggest controlling the displaying of the image data, based on the determination of whether the authentication data addition mode is set, so that the image data is displayed with or without additional information that indicates that the authentication data is recorded with the image data in response to the image capture instruction.

These features are also not taught or suggested by the Anderson and Venkatesan et al. references. In particular, Anderson discloses a digital camera 100 that includes a digital signal processor 106 that outputs an image to an LCD 107, and a common bus 113 that connects the digital signal processor 106 to a memory 109 and a CPU 110 (Fig. 1; paragraphs [0026] and [0027]). In Anderson, the digital signal processor 106 can retrieve compressed image data from a JPEG file buffer 213 of the memory 109 for display on the LCD, wherein a display processor 207 of the digital signal processor 106 performs the requisite graphic functions on the image data in order to generate a final LCD display, including preparation of the image data for graphical overlays such as addition of padding, overlays, prompts and date and time stamps during a final rendering step (paragraph [0029], lines 8-13). Anderson teaches that the LCD display data is temporarily stored in a draw buffer 214 before being rendered for display on the LCD 107 (paragraph [0029], lines 15-17). Anderson also teaches that the bus 113 is used to convey incoming real-time data used for a live view display as well as data that has been captured and stored as a file (paragraph [paragraph [0030]], lines 3-10).

Therefore, Anderson discloses a digital signal processor which provides for rendering graphic overlays onto LCD display data, the graphic overlays including padding, overlays, menus, prompts and date and time stamps. However, these overlays rendered in Anderson do not include any data which is either related to the operating mode of the camera or indicates

whether or not authentication data has been added to the image data corresponding to the LCD display data. Moreover, there is no mention anywhere in Anderson of controlling the display so as to display or not display an overlay based on a determination of an operating mode of the camera. Rather, Anderson merely teaches that the display processing performs the requisite graphic functions that include adding the graphic overlays to the LCD image, but makes no mention of how the overlays to be added are determined.

These features are also not disclosed in the Venkatesan reference. Venkatesan discloses a watermark detection circuit 500 which decodes a file and evaluates the file for a presence of a watermark based on a calculation of a log likelihood ratio using data within the file and comparing the result against a predefined threshold (col. 10, lines 33-67). In Venkatesan, a presenter 570, based on the outcome of the evaluation done by the watermark detection circuit 500, may present one three indicators: "watermark present," watermark not present" and "unknown."

Thus, Venkatesan only discloses detecting a watermark in a stored file and displaying a result of the watermark detection by a presenter. However, the result displayed by the presenter in Venkatesan is not in any way related to the mode set by the camera's mode setting unit and is not displayed in response to the image capture instruction. Instead, the result in Venkatesan indicates whether a watermark has already been embedded into an already stored image. Therefore, there is no teaching or suggestion in Venkatesan of controlling the display so as to display an image with or without additional information indicating that that the authentication data is recorded with the image data in response to the image capture instruction based on a determination of whether or not the authentication data addition mode is set by the setting unit.

Based on the above, none of the Ohmura, Anderson and Venkatesan references, individually or in combination, teach or suggest controlling the display so as to display an image relating to the image data which the image capture unit acquired in accordance with the image capture instruction with or without an additional information indicating that the authentication data is recorded with the image data based on the determination of whether or not the authentication data addition mode is set by the mode setting unit in response to the image capture instruction issued by the instruction unit. As a result, there is no, and cannot be any, teaching in any of the Ohmura, Anderson and Venkatesan references of controlling the display unit so as to display the image and the additional information, if it is determined that the authentication data addition mode is set, prior to the recording of the image data by the recording unit and after the image capture instruction had been issued. Therefore, none of the cited Ohmura, Anderson and Venkatesan references teach or suggest controlling the display unit so as to display the image relating to the image data captured by the image capture unit and the additional information until the image data captured by the image capture unit is recorded by the recording unit from the image capture instruction had been issued by the instruction unit, if it is determined that the authentication data addition mode is set by the mode setting unit.

Moreover, applicants respectfully disagree with the Official Notice taken by the Examiner that the concepts and advantages of displaying an indication that an image is watermarked when displaying the image are well known and expected in the art. As discussed above, none of the references cited by the Examiner teach displaying of additional information that indicates that the authentication data is recorded with the image data, wherein the displaying or non-displaying of the additional information is controlled based on a determination of the camera mode, i.e. determination based on whether or not the

authentication data addition mode is set. Additionally, none of the references cited by the Examiner teach any specific timing for displaying the image with the additional data, let alone the displaying of the image data with the additional information until the image data captured by the image capture unit is recorded and from the image capture instruction. Therefore, applicants believe that it would not have been obvious to display an indication that the image has been watermarked when displaying an image, and it would not have been obvious to control such display so that the image is displayed with the indication to being recorded and if it is determined that the authentication data addition mode is set.

Accordingly, the cited Ohmura, Anderson and Venkatesan, individually and in combination, do not teach or suggest a control unit that determines whether the authentication data addition mode is set by the mode setting unit in response to the image capture instruction issued by the instruction unit wherein, if it is determined that the authentication data addition mode is set by the mode setting unit, until the image data captured by the image capture unit is recorded by the recording unit from the image capture instruction that has been issued by the instruction unit, the control unit controls the display unit so as to display the image relating to the image data captured by the image capture unit and the additional information as recited in amended independent claim 16. Applicants' amended independent claim 16, and its respective dependent claims, thus patentably distinguish over the Ohmura, Anderson and Venkatesan references.

In view of the above, it is submitted that Applicant's claims, as amended, patentably distinguish over cited art of record. Accordingly, reconsideration and allowance of the application and claims is respectfully requested.

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Respectfully submitted,

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